

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PHILLIP LEE FANTONE,)
Plaintiff,)
v.)
MICHAEL J. HERBIK, DD,)
in his official and individual capacity,)
BRIAN V. COLEMAN,)
in his official and individual capacity,)
ROBERT TRETINIK, RN,)
in his official and individual capacity,)
PETE SAAVEDRA,)
in his official and individual capacity,)
DARLA COWDEN, PA,)
in her official and individual capacity.)
Defendants.)
Civil Action No. 11-0484
District Judge Gary L. Lancaster, Chief

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on April 11, 2011, and was referred to a United States magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On January 17, 2013, the Magistrate Judge filed a Report and Recommendation (ECF No. 136) recommending that Plaintiff's Motion for Summary Judgment (ECF No. 84) be denied and that the Motions for Summary Judgment filed by Defendants (ECF Nos. 86, 90 and 102) all be granted. Plaintiff filed Objections to the Report and Recommendation on February 7, 2013 (ECF No. 137). Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 8 day of February, 2013, **IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Plaintiff (ECF No. 84) is **DENIED**.

IT IS FURTHER ORDERED that the Motions for Summary Judgment filed by Defendants (ECF. Nos. 86, 90 and 102) are **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 136) dated January 17, 2013, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:


Hon. Gary L. Lancaster,
Chief United States District Judge

cc: Phillip Lee Fantone, GJ3440
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866-1021